UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

JUAN CARLOS SANCHEZ,	Case No. CV 09-7280 JVS (JCG)
Petitioner, v. JAMES A. YATES, Warden, Respondent.	ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE AND DENYING CERTIFICATE OF APPEALABILITY

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's Report and Recommendation, Petitioner's Objections to the Report and Recommendation, and the remaining record, and has made a *de novo* determination.

Petitioner's Objections generally reiterate the arguments made in the Petition and Reply, and lack merit for the reasons set forth in the Report and Recommendation.

Accordingly, IT IS ORDERED THAT:

- 1. The Report and Recommendation is approved and adopted;
- 2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
- 3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

DATED: July 25, 2011

HON. JAMES V. SELNA UNITED STATES DISTRICT JUDGE